

DECEMBER 16, 2013

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Chairman John Barton at 7:30 PM.

The meeting was opened by stating that adequate notice of this public meeting had been provided in accordance with the Open Public Meetings Act by:

1. posting a notice of this meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Express Times;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

Present: Barton, Vaezi, Mayor Tomaszewski, Watters, Spender, Farino, Drazek, Tate.

Absent: Hazen, Mills, Hight, Creedon.

Also present: Drew DiSessa, P.E.; William Edleston, Esquire.

The Pledge of Allegiance was recited.

Regarding the minutes of the November 18, 2013 meeting, DiSessa stated the case number in the second motion on page three should read “. . . Case #13-08, Donald DeMuth . . .”

MOTION was made by **VAEZI** to approve the minutes of the November 18, 2013 meeting, as amended.

SECONDED: FARINO.

Those in favor: Vaezi, Mayor Tomaszewski, Watters, Spender, Farino, Drazek, Barton.

Opposed: None.

Abstained: Tate.

Regarding the resolution for Case #13-08, Donald DeMuth, DiSessa stated the setback and acreage numbers were incorrect, and should be amended.

MOTION was made by **BARTON** to approve the resolution for Case #13-08, Donald DeMuth, as amended.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Mayor Tomaszewski, Spender, Farino, Drazek, Vaezi, Barton.

Opposed: None.

Abstained: None.

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Case #13-09, DeMattheis Real Estate

Present for the applicant: Glenn Williams, Esquire; Steve DeMattheis; Gregory VandeRyte, P.E.; Eugene Weber, P.E., P.P., Surveyor

Williams explained the application was a minor subdivision, or lot line adjustment, application. Williams briefly explained the proposed boundary line adjustment. Williams further explained the applicant would like the flexibility to offer either a single or dual tenancy in the proposed building.

MOTION was made by **DRAZEK** to deem the application for Case #13-09, DeMattheis Real Estate complete.

SECONDED: WATTERS.

Those in favor: Watters, Spender, Farino, Drazek, Tate, Vaezi, Mayor Tomaszewski, Barton.

Opposed: None.

Abstained: None.

VandeRyte, Weber, and DeMattheis were all sworn in by Edleston and accepted as qualified witnesses in their fields.

Entered as Exhibit A-1 – Minor Subdivision/Lot Line Adjustment Plan Set, dated 12/4/13

VandeRyte explained there would be two easements given the new lot line adjustment: a blanket easement for the entire lot, and a parking easement. VandeRyte stated the new lot line easement surrounds the proposed building, but eliminates some parking spaces from the lot.

Williams stated the benefit to the lot line adjustment is that the proposed building would be located entirely on Lot 9, whereas the prior approval allowed for the lot line to bisect the building.

Weber described the side yard setback variance, and stated the lot is only 50' wide. Weber stated it would be difficult to plan a viable building given the setback constraints in the zone.

Watters asked why the lot line adjustment was even necessary at this point since there is an approved site plan. DeMattheis explained the mortgage holder for the existing shopping center has implemented new rules and regulations. DeMattheis stated he is attempting to get a mortgage for development of Lot 9, but the shopping center has to sit on its own lot as a "single purpose entity".

Weber stated the adjustment of the lot line would present no detriment to the public good or the zone plan of Mansfield Township. Weber stated the lot line adjustment would also have no real impact on the existing shopping center.

DiSessa agreed the lot configuration is irregular, and asked if they were in common ownership. Williams replied the two lots were owned by separate entities, but with common control. Barton asked what would happen if one of the lots changed ownership, and DiSessa replied the easements run with the land. DeMattheis stated he had no intention of selling either lot, and they will be put in trust for his children.

The hearing was opened to the public for comments and questions of the professionals. The public portion of the hearing was closed.

Edleston indicated the applicant would have to decide which prior approval they would commit to: the single, 3,200 square foot use, or the dual use. Williams stated the applicant was asking for flexibility in the use so as to market the property for either. DeMattheis stated he would like to have a bank locate at the property, and further explained he has committed to his current tenants not to lease to either a Starbucks or a Dunkin Donuts.

Williams stated he noticed the hearing to include a site plan amendment to allow for the property to be marketed either way. Edleston stated as long as the existing resolution conditions are met, there shouldn't be a problem. Edleston stated the new resolution could reflect one or two tenants. Edleston stated a new tenant would have to go through zoning anyway.

Watters asked DeMattheis if he would sell the property if he had the opportunity. DeMattheis replied the hotel owner across the highway offered to purchase the property, but he would rather not sell.

MOTION was made by **FARINO** to grant approval for Case #13-09, DeMattheis Real Estate to allow a minor subdivision/lot line adjustment, a bulk variance for the side yard setback, a parking space variance, and resolution language modification to indicate the flexibility to market the property as an approved single or dual use site plan, subject to conditions.

SECONDED: DRAZEK.

Those in favor: Spender, Farino, Drazek, Tate, Vaezi, Mayor Tomaszewski, Watters, Barton.

Opposed: None.

Abstained: None.

A discussion was held regarding any possible future expenses for the year 2014.

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MOTION was made by **VAEZI** to approve the proposed budget for 2014 as submitted, and to forward the budget request to the CFO.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Farino, Drazek, Tate, Vaezi, Mayor Tomaszewski, Watters, Spender.

Opposed: None.

Abstained: None.

A brief discussion was held regarding the Township budget process with the Mayor and Deputy Mayor Watters explaining the process.

MOTION was made by **VAEZI** to authorize the Township Committee to pay the invoices submitted by the professionals.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Drazek, Tate, Vaezi, Mayor Tomaszewski, Watters, Spender, Farino, Barton.

Opposed: None.

Abstained: None.

Under old business, Terry Sams presented DiSessa a color coded paving proposal he received from Yusen Logistics in April of 2013. Sams indicated the he would like the board to ask the property owner to address certain issues. Sams stated they should utilize the parking lot for tractor trailers, and not air conditioner storage. Also, the tankers appear to no longer use the lot, and the air conditioners could now be stored in that area. Sams indicated the air conditioner units are stacked on top of one another above the approved, or allowed, height.

DiSessa stated he reviewed the files and gave a chronological order account of the approvals for the property. DiSessa indicated there didn't appear to be a valid approval for the storage of the air conditioner units, and it could be the basis for a violation notice to be issued.

MOTION was made by **WATTERS** to write a letter to Yusen Logistics, and to proceed with a notice of violation, that based on his research of prior approvals there appeared to be no valid approval for the air conditioner storage, and they should appear before the Land Use Board.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Tate, Vaezi, Mayor Tomaszewski, Watters, Spender, Farino, Drazek, Barton.

Opposed: None.

Abstained: None.

The Chairman adjourned the meeting at 8:55 PM.

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Respectfully submitted,

Patricia D. Zotti, Clerk
(As Written)